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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/555,137	07/12/2000	TAKAYUKI YOSHIGAHARA	TNAB-Q9081	3847
29175	7590	12/16/2004	EXAMINER	
BELL, BOYD & LLOYD, LLC			NGUYEN, MINH DIEU T	
P. O. BOX 1135			ART UNIT	PAPER NUMBER
CHICAGO, IL 60690-1135			2137	

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/555,137

Applicant(s)

YOSHIGAHARA ET AL.

Examiner

Minh Dieu Nguyen

Art Unit

2137

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 November 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: None.Claim(s) objected to: None.Claim(s) rejected: 49-58 and 60-96.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Andrew Caldwell
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Continuation of 5. does NOT place the application in condition for allowance because: The examiner disagrees with applicant's remarks that claims 49, 52-53, 55-64, 67-68, 70-79, 82-83, 85-93 are rejected under 35 U.S.C. 102 (e) as being anticipated by Bessette (6,263,330) and claims 50, 51, 54, 65-66, 80-81 and 84 are rejected under 35 U.S.C. 103 as being unpatentable over Bessette (6,263,330) in view of Chen et al.. Applicant should look at the office action mailed on September 24, 2004 where claims 49, 52-53, 55-64, 67-68, 70-79, 82-83, 85-93 and 94-96 are rejected under 35 U.S.C. 103 as being unpatentable over Bessette (6,263,330) in view of Vining et al. (5,920,319) and claims 50, 51, 54, 65-66, 69, 80-81 and 84 are rejected under 35 U.S.C. 103 as being unpatentable over Bessette (6,263,330) in view of Vining et al. (5,920,319) and further in view of Chen et al. (5,969,721).

The applicant argues that the cited art does not disclose "means for reading out measured data based on three dimensional shape information and texture information on a body and for reading out protection information for protecting the measured data from being read out" and "processing means for performing prescribed processing utilizing the measured data which is read out to generate feature parameters on a model". The examiner maintains that the combination teachings of Bessette and Vining does disclose three dimensional renderings of three-dimensional structures of human body organs having lumens (Vining, col. 3, lines 54-59), the three dimensional renderings based on three dimensional shape information and texture information (Vining, col. 4, lines 10-16; col. 10, lines 41-43; col. 13, lines 2-16; col. 16, lines 3-32); Bessette discloses a large number of three dimensional medical records for individuals in a network server with each record including one unique identifier which reads on the protection information and at least one data field which reads on measured data (col. 3, lines 36-59), users are validated using the log on input and identifier information from the server (Fig. 8, element 804; col. 10, lines 60-67) which reads on authenticating means for reading out the protection information and for performing authentication processing using the authentication information input; and also, Vining discloses comparing the generated three dimensional rendering with a wireframe model to identify potentially abnormal regions of the structure (Fig. 1, element 38; col. 12, line 66 to col. 13, line 16; col. 16, lines 26-32) which reads on generating feature parameters on a model by comparing 3-D measured data of a human body with standard model.

The applicant argues that Bessette is completely silent regarding the feature of "reading out measured data based on three-dimensional shape information and texture information on a body". Bessette does not teach this but it is addressed in the secondary reference. As to the applicant's arguments that Bessette does not enable the claimed invention, they have not established a prima facie case because it is based on only one of the undue experimentation factors while ignoring the others.

The applicant argues that there is no motivation to combine the Bessette with the Vining reference, the examiner maintains that Bessette expresses motivation in teaching the medical records are three-dimensional data of human body (Fig. 6C; col. 11, lines 64-67).